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EXAMINER

MAKI, STEVEN D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Advisory Action Attachment

**withdrawn objection and withdrawn rejection**

The objection to the specification in paragraph 1 of the last office action dated 7-31-09 has been withdrawn in view of the after final amendment filed 10-30-09.

The 112 second paragraph rejection in paragraph 3 of the last office action dated 7-31-09 has been withdrawn in view of the after final amendment filed 10-30-09.

**remarks**

The 103 rejection of claims 1 and 4 in paragraph 5 of the last office action dated 7-31-09 stands.

Applicant argues that Japan fails to disclose the step of preliminarily adding a pore size adjusting agent as recited in claim 1. More properly, Japan discloses using a "pore size adjusting agent" because Japan discloses using ferric sulfate or aluminum sulfate to obtain uniform and comparatively big bubbles in a gypsum core as shown for example in Figure 2. **There is no difference in composition between the claimed "pore size adjusting agent" and "ferric sulfate or aluminum sulfate" as disclosed by Japan;** it being noted that claim 4 of this application recites "the agent for increasing sizes of pores formed by bubbles in the foamed gypsum slurry contains at least one substance selected from the group consisting of aluminum sulfate .... ferric sulfate". As to *when* to add a "pore size adjusting agent", Sucech suggests using a step of preliminary step of adding.

Applicant argues that it would not have been obvious to replace "a preformed second foaming agent" as disclosed by Sucech with a "compound having a deforming

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effect or foam breaking effect as a foam stabilizer" as disclosed by Japan. This argument is off point since Sucech is not being modified.

Applicant argues that Japan's disclosure conflicts with Sucech's disclosure. This argument is not persuasive because **Japan and Sucech teach toward using a combination of alkyl ether sulfate and a "pore size adjusting agent" in a process for making a foamed gypsum board.** With respect to alkyl ether sulfate: Japan describes the alkyl ether sulfate as being a frothing agent and Sucech describes the alkyl ether sulfate as being the first foaming agent which forms stable voids. With respect to "pore size adjusting agent": Japan teaches using aluminum sulfate or ferric sulfate to *obtain uniform and comparatively big bubbles in the gypsum core* (e.g. Figure 2) and Sucech teaches using a second foaming agent to form unstable voids in the gypsum slurry to *obtain larger voids (bubbles in the gypsum core* (e.g. Figure 5). Japan and Sucech desire the same result of larger bubbles / voids in the gypsum core and, therefore, do not conflict with each other.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven D. Maki/  
Primary Examiner, Art Unit 1791

Steven D. Maki  
November 17, 2009